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**TORRANCE CITY COUNCIL – MARCH 27, 2012**

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At 9:54 p.m., the meeting was adjourned to Tuesday, April 3, 2012 at 7:00 p.m. to conduct regular business in the Council Chamber.

The Finance and Governmental Operations Committee will meet at 5:30 p.m. in the Council Chamber to discuss the 2011-2012 mid-year budget.

March 27, 2012

**MINUTES OF AN ADJOURNED REGULAR  
MEETING OF THE TORRANCE CITY COUNCIL**

**1. CALL TO ORDER**

The Torrance City Council convened in an adjourned regular session at 7:01 p.m. on Tuesday, March 27, 2012 in the City Council Chamber at Torrance City Hall.

**ROLL CALL**

Present: Councilmembers Barnett, Brewer, Furey, Numark, Rhilinger, Sutherland, and Mayor Scotto.

Absent: None.

Also Present: City Manager Jackson, City Attorney Fellows, City Clerk Herbers, and other staff representatives.

**2. FLAG SALUTE/INVOCATION**

The flag salute was led by Transit Manager Mills.

The non-sectarian invocation was given by Councilmember Rhilinger.

**3. REPORT OF CITY CLERK ON POSTING OF THE AGENDA / MOTION TO  
WAIVE FURTHER READING**

City Clerk Herbers reported that the agenda was posted on the Public Notice Board at 3031 Torrance Boulevard on Thursday, March 22, 2012.

**MOTION:** Councilmember Barnett moved that after the City Clerk has read aloud the number and title to any resolution or ordinance on the meeting agenda, the further reading thereof shall be waived, reserving and guaranteeing to each Councilmember the right to demand the reading of any such resolution or ordinance in regular order. The motion was seconded by Councilmember Rhilinger and passed by unanimous vote.

**4. WITHDRAWN, DEFERRED OR SUPPLEMENTAL ITEMS – None.**

**5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS**

Councilmember Rhilinger announced that the City Council Workshop on the design of the Torrance Transit Park & Ride Regional Terminal originally scheduled for this evening has been rescheduled for Tuesday, April 3, at 5:30 p.m. in the Nakano Theatre.

Councilmember Sutherland announced that the Finance and Governmental Operations Committee will meet on Tuesday, April 3, at 4:30 p.m. in the Council Chamber for the mid-year budget review.

Councilmember Furey announced that a realignment workshop “Current and Future Impact of the Criminal Justice Realignment Plan on Torrance” is scheduled for Tuesday, April 10, at 5:30 p.m. in the Council Chamber.

City Clerk Herbers announced that a Commissioner Certification Training class has been scheduled for May 9 and a reservation link for the training is now active and will remain until midnight May 2. She noted that this training is required prior to applying for a seat on any of the Torrance commissions.

Councilmember Brewer announced that City Council budget workshops/hearings will be held on Tuesday, May 8, and Tuesday, May 15, at 7:00 p.m. during the regularly scheduled City Council meeting.

**6. COMMUNITY MATTERS**

**6A. RESOLUTION NO. 2012-32 RE GLENN FOSTER**

**RESOLUTION NO. 2012-32**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE  
HONORING **GLENN FOSTER** UPON HIS RETIREMENT FROM THE CITY  
OF TORRANCE AFTER THIRTY-SIX YEARS OF SERVICE

**MOTION:** Councilmember Brewer moved to adopt Resolution No. 2012-32. The motion was seconded by Councilmember Sutherland and passed by unanimous vote

*To be presented at a later date.*

**7. ORAL COMMUNICATIONS #1**

No one came forward to speak.

**8. CONSENT CALENDAR**

**8A. APPROVAL OF MINUTES**

**Recommendation**

Recommendation of the City Clerk that City Council approve the City Council minutes of February 28, 2012.

**MOTION:** Councilmember Furey moved for the approval of Consent Calendar Item 8A. The motion was seconded by Councilmember Brewer and passed by unanimous vote.

**12. ADMINISTRATIVE MATTERS**

**12A. PROPOSED TORRANCE TRANSIT SERVICE CHANGES**

**Recommendation**

Recommendation of the Transit Director that City Council authorize the implementation of the Rapid Bus Program and modifications to the Line #3 service.

Transit Administration Manager Mills stated that staff conducted two community meetings to discuss the proposed Rapid Bus Program and modifications to Line #3 service and the public was also given an opportunity to comment on the Torrance Transit website, via Twitter and Facebook and a telephone hotline. He reported that feedback from the public was positive, therefore staff was recommending that the Rapid Bus Program and service changes be implemented.

**MOTION:** Councilmember Barnett moved to concur with the staff recommendation. The motion was seconded by Councilmember Rhilinger and passed by unanimous vote.

## **12B. RAPID BUS PROGRAM MEMORANDUM OF UNDERSTANDING**

### **Recommendation**

Recommendation of the Transit Director that City Council approve a Memorandum of Understanding with the Los Angeles County Metropolitan Transportation Authority (LACMTA) for the Rapid Bus Program. Expenditure: \$7,900,000.

Transit Administration Manager Mills reported that LACMTA has allocated \$7,900,000 to Torrance, of which \$6,400,000 will be spent for the purchase of eight alternative fuel buses and \$1,500,000 will cover two years of operating costs.

Responding to questions from the Council, Transit Manager Mills confirmed that regional funding will be available to continue the program at the end of the two-year pilot program and that the Rapid Buses will be distinctively marked so they will be easy to distinguish from the regular buses.

Mayor Scotto expressed concerns about the reliability of CNG (Compressed Natural Gas) vehicles.

Transit Administration Manager Mills reported that other agencies have had a good experience with CNG buses and an extended five-year warranty will be purchased in case there are problems.

**MOTION:** Councilmember Barnett moved to concur with the staff recommendation. The motion was seconded by Councilmember Rhilinger and passed by unanimous vote.

## **12C. COUNTYWIDE SIGNAL PRIORITY SYSTEM MEMORANDUM OF UNDERSTANDING**

### **Recommendation**

Recommendation of the Transit Director that City Council approve a Memorandum of Understanding with the Los Angeles County Metropolitan Transportation Authority (LACMTA) for the implementation of the Countywide Signal Priority System. Expenditure: \$2,875,000.

Transit Manager Mills reported that the Countywide Signal Priority System will allow Rapid Buses equipped with transponders to extend yellow light signals a few seconds longer so that they can safely cross an intersection thereby enhancing the

Rapid Bus Program to be implemented by Torrance Transit this summer. He noted that the cost of the system will be funded by LACMTA.

In response to Mayor Scotto's inquiry, Transit Administration Manager Mills stated that he was not aware of any increase in traffic accidents due to the use of this system.

**MOTION:** Councilmember Barnett moved to concur with the staff recommendation. The motion was seconded by Councilmember Rhilinger and passed by unanimous vote.

**12D. DESIGNATION OF VOTING DELEGATE FOR SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS GENERAL ASSEMBLY**

**Recommendation**

Recommendation of the City Manager that City Council approve a voting delegate to represent the City of Torrance at the Southern California Association of Governments General Assembly scheduled for April 4 and April 5, 2012 in Los Angeles, CA.

**MOTION:** Councilmember Barnett moved to appoint Councilmember Susan Rhilinger as voting delegate. The motion was seconded by Councilmember Furey and passed by unanimous vote.

**12E. RESOLUTION REVISING CIVIL SERVICE RULES OF ORDER**

**Recommendation**

Recommendation of the City Manager and the Civil Service Commission that City Council adopt a Resolution revising the Rules of Order used by the Civil Service Commission.

Civil Service Manager Lohnes reported that the Civil Service Commission Rules of Order have not been updated for some time and the revisions mirror the Rules of Order used by the City Council.

**MOTION:** Councilmember Barnett moved to concur with the staff recommendation. The motion was seconded by Councilmember Rhilinger and passed by unanimous vote.

**RESOLUTION NO. 2012-33**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE  
APPROVING THE ADOPTION OF A NEW SET OF RULES OF ORDER TO BE  
USED BY THE CIVIL SERVICE COMMISSION

**MOTION:** Councilmember Brewer moved to adopt Resolution No. 2012-33. The motion was seconded by Councilmember Sutherland and passed by unanimous vote.

**12F. RESOLUTION REVISING DEFERRED COMPENSATION PLAN COMMITTEE AND BY-LAWS**

**Recommendation**

Recommendation of the City Treasurer that City Council adopt a Resolution revising the City of Torrance Deferred Compensation Plan Committee and By-laws.

City Treasurer Cortez reported that due to the elimination of the Human Resources Director position, the Compensation Plan Committee needs to be revised and she was recommending that the deleted position be replaced with the Human Resources Manager – Operations.

**MOTION:** Councilmember Barnett moved to concur with the staff recommendation. The motion was seconded by Councilmember Rhilinger and passed by unanimous vote.

**RESOLUTION NO. 2012-34**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE  
AMENDING RESOLUTION NO. 2010-50 BY REVISING THE MEMBERSHIP OF  
THE CITY'S DEFERRED COMPENSATION PLAN COMMITTEE

**MOTION:** Councilmember Brewer moved to adopt Resolution No. 2012-34. The motion was seconded by Councilmember Sutherland and passed by unanimous vote.

**13. HEARINGS**

**13A. CUP10-00007: 3901 PACIFIC COAST HIGHWAY – CHICKEN MAISON/ PATRICIA WICK**

**Recommendation**

Recommendation of the Planning Commission that City Council deny the appeal and adopt Resolution denying without prejudice a Conditional Use Permit to allow the expansion of an existing restaurant, in conjunction with a request for a beer and wine license and as-built restaurant improvements on property located in the C-2 Zone at 3901 Pacific Coast Highway.

Recommendation of the Community Development Director that City Council approve the appeal and adopt a Resolution approving a Conditional Use Permit to allow the expansion of an existing restaurant, in conjunction with a request for a beer and wine license, and as-built restaurant improvements on property located in the C-2 Zone at 3901 Pacific Coast Highway.

Mayor Scotto announced that this was the time and place for a public hearing on this matter. City Clerk Herbers confirmed that the hearing was properly advertised.

With the aid of slides, Planning Manager Lodan briefly reviewed the proposed project, noting that it includes the expansion of an existing restaurant (Chicken Maison) and a beer and wine license for this restaurant. He explained that during the review process for this project, it was discovered that another restaurant (Deli Roma) in this center had expanded without benefit of permit; that an unpermitted bar area, storage

shed and outdoor patio have recently been demolished; and that Deli Roma's unpermitted kitchen expansion has been included in this application. He reported that the Planning Commission voted to deny the project on April 20, 2011 because commissioners felt that the unpermitted construction on the site should be rectified before taking action on the proposed expansion of Chicken Maison. He noted that the parking lot has been redesigned since the Planning Commission hearing allowing for more parking spaces and better on-site circulation and the Community Development Department was recommending approval of the project.

Councilmember Rhlinger and Councilmember Sutherland disclosed that they had spoken with the owner of the property and the owner of Chicken Maison early in the development process and more recently with the project architect.

Mayor Scotto disclosed that he had met with the parties involved and visited the site.

Councilmember Brewer disclosed that he had met with the owner of Deli Roma a few months ago and met with the project architect this afternoon and has driven by the center.

Councilmember Furey disclosed that he has met with the owner of Deli Roma a couple of times in the past few months and has also met with the project architect.

Councilmember Barnett disclosed that he had also met with the parties involved.

Councilmember Numark disclosed that he met with the owner of Deli Roma and visited the site.

Nagy Bakhoun, project architect, reported that all non-conforming structures have been demolished and the parking lot has been redesigned so the parking now exceeds requirements by two spaces and this includes all existing tenant space, the proposed expansion of Chicken Maison and a new patio area for Deli Roma.

Responding to questions from the Council, Mr. Bakhoun clarified that he is working for the owner of the center, not Chicken Maison.

Ramsey Korami, vice president of Chicken Maison, expressed concerns that his request for a small 480 square-foot expansion to the restaurant has led to the discussion of many extraneous issues and almost two years of hearings. He explained that this restaurant was the first of six Chicken Maison restaurants and he would like to stay at this location but needs to expand because he turns away customers on a daily basis. He noted that the restaurant employs students from South High, which also benefits the community.

Responding to questions from the Council, Mr. Korami reported that the restaurant serves approximately 100 people per day; that most of the business is take-out and only about 20% of customers eat inside the restaurant; and that he estimated that business would increase approximately 20% with the expansion, which would bring the total number of seats to 16.

George Postik, former tenant of the center, stated that the landlord evicted him to make room for this expansion despite the fact that he had operated a shoe repair business at this location for 27 years.

City Attorney Fellows disclosed that he is a long-time customer of Mr. Postik's shoe repair shop, but this will not affect the legal advice he offers this evening.

Scott Gobble, Torrance, a long-time customer of Deli Roma, related his experience that it's very difficult to maneuver in the parking lot because the parking spaces are small and there is insufficient back-up room and doubted that there was enough parking to safely accommodate the expansion of restaurants in this center. He proposed that two parking spaces in front of the dry cleaners be reserved for its customers only.

Responding to questions from the Council, Community Development Director Gibson advised that both Chicken Maison and Deli Roma are currently permitted for take-out only and provided clarification regarding parking requirements for sit-down versus take-out restaurants.

Councilmember Furey expressed concerns that the 8 parallel parking spaces at the rear of the center have been restriped to create 13 angled parking spaces with minimal backup space. He questioned whether the spaces met minimum requirements, noting that his Prius was too large for the compact space.

Planning Manager Lodan reported that staff inspected the parking layout and found it to be in compliance with requirements.

Councilmember Numark voiced concerns about on-site circulation due to the potential that motorists who can't find parking in front will go the wrong way down the one-way drive aisle at the rear to avoid having to exit the parking lot and circle back.

Planning Manager Lodan advised that while it is not ideal, the proposed layout is the best arrangement for providing the required parking and suggested that people will figure out how best to maneuver the parking lot as they become more familiar with the new layout.

Mayor Scotto suggested the possibility of enlarging the parking spaces from 8.5 feet to 9 feet in width and eliminating 1 or 2 spaces to make it easier to maneuver.

Al West, a former resident of an apartment building adjacent to the center, voiced his opinion that this expansion would only exacerbate existing parking problems and urged denial of the project. He contended that Chicken Maison is in violation of its Conditional Use Permit because it has indoor seating, but is approved for take out only.

A resident (name inaudible/no speaker card) urged the Council to protect the interests of long-time tenants, such as Deli Roma and the shoe repair shop, because they do not have the resources to fight the landlord/property owner.

Tony Nahabedian, owner of Deli Roma, stated that he has operated his deli at this location for 27 years; that he's been subjected to underhanded tactics and unfair business practices since he spoke against the center's management at the Planning



Commission hearing for the Chicken Maison expansion; and that he was recently served with a lawsuit that threatens eviction. He reported that he has removed all non-conforming structures and the only remaining issue is the kitchen expansion, which was completed in 1997 after the shopping center's owner split the dry cleaners space in half and offered the space to him. He explained that he obtained mechanical permits for the work in the kitchen and the expansion was also inspected and approved by the L.A. County Health Department and the ABC (Alcoholic Beverage Control), but he recently learned that the property owner did not obtain a building permit for the wall between the cleaners and the deli.

Referring to written material submitted for the record, Mr. Nahabedian reviewed potential circulation problems, noting that motorists frequently cut through the parking lot, which creates circulation and safety issues, and there are many traffic accidents at this intersection. He contended that there was not sufficient parking to accommodate the Chicken Maison expansion; that some of the parking spaces and backup areas do not meet minimum requirements; and that there is inadequate access for fire fighting vehicles. He voiced his opinion that Chicken Maison should look for a new location in a larger shopping center with ample parking rather than imposing on other tenants in this center.

In response to Councilmember Furey's inquiry, Community Development Director Gibson advised that should this application not be approved, Mr. Nahabedian would be required to obtain building permits for the unpermitted kitchen expansion.

Councilmember Rhilinger noted that Chicken Maison was only proposing to do what Deli Roma has already done – expand into a vacant tenant space.

Mr. Nahabedian contended that 25 more parking spaces would be needed to accommodate the expansion.

Councilmember Rhilinger suggested eliminating the parking space (No. 21) at the rear of Deli Roma and making this a loading zone so delivery trucks would have a place to park and eliminating the compact space (No. 41) in front and enlarging the remaining spaces in this row. She noted that this would still meet parking requirements for both the Chicken Maison and the as-built Deli Roma expansions, recognizing that the parking lot will still be crowded at times due to the popularity of the restaurants.

The Council briefly recessed from 9:05 p.m. to 9:21 p.m.

In response to Councilmember Barnett's inquiry, Planning Manager Lodan advised that the entire project, including the Chicken Maison expansion, Deli Roma's unpermitted kitchen expansion, and the new outdoor patio area for Deli Roma, requires a total of 56 parking spaces and currently 58 are provided.

Mayor Scotto questioned whether Mr. Nahabedian has a lease or is a month-to-month tenant. Mr. Nahabedian reported that he has a five-year lease that expires at the end of April and he has a five-year option to renew, however, the property owner has filed a lawsuit to evict him.

Justin Bower, Torrance, voiced concerns about efforts to force out longtime tenants at this center. He related his experience that Deli Roma provides consistently

high quality catering and expressed the hope that the Council could find a solution so that both restaurants in this center can coexist.

Wayne Menton, Rancho Palos Verdes, voiced his opinion that Chicken Maison should move to another center because it is a chain restaurant that has the resources to do this while this is Deli Roma's only location. He noted that Mr. Nahabedian has worked very hard to build his business and related his belief that it would be a shame to lose this restaurant.

Returning to the podium, Mr. Bakhoun stated that the property owner's main goal is to have a compliant property and bring two very successful businesses into conformance with City requirements and the proposed project accomplishes this goal and actually exceeds the required parking by two spaces. He expressed his willingness to work with City staff to see if the parking arrangement could be improved, however, he was hesitant to eliminate any parking spaces since parking is at a premium in this center. He clarified that there was never room for two-way traffic at the rear of the building so changing this to a one-way drive aisle makes it safer by eliminating opposing traffic. He expressed confidence that the fire department would be able to fight a fire without parking on the site.

Councilmember Brewer questioned whether the property owner would be willing to designate two parking spaces for the dry cleaning business and suggested that tenants/employees park at the rear of the building to save the parking in front for customers.

Mr. Bakhoun stated that the owner would be willing to consider setting aside parking spaces for the cleaners but would have to obtain the approval of other tenants and noted his agreement with Councilmember Brewer's suggestion about having tenants/ employees park in the rear.

Mayor Scotto questioned whether the property owner would sign-off on building permits for the as-built Deli Roma kitchen expansion if this project is approved. He indicated that he would not be inclined to support the proposed project unless he can be assured that Deli-Roma's expansion will be permitted and the restaurant can continue to operate.

Mr. Bakhoun stated that he believed the owner would sign-off because the goal is to have a Code compliant property, however he could not guarantee this because he cannot speak for the owner.

A brief discussion ensued and it was the consensus of the Council to delay taking action on this matter until the pending lawsuit the property owner has filed against Deli Roma has been resolved.

**MOTION:** Councilmember Furey moved to continue the hearing on this matter until May 22, 2012. The motion was seconded by Councilmember Barnett and passed by unanimous vote.

Mayor Scotto announced that the hearing will not be re-advertised because it was continued to a date certain.

**17. ORAL COMMUNICATIONS #2**

**17A.** Councilmember Sutherland commended Councilmember Brewer for his efforts on the Torrance Education Foundation's "Tip Your Hat for Education" dinner held last Friday.

**17B.** Councilmember Brewer thanked everyone who worked on and supported the "Tip Your Hat for Education" dinner last Friday evening.

**17C.** Councilmember Furey echoed comments about the Torrance Education Foundation dinner.

**17D.** Mayor Scotto congratulated everyone involved in the Torrance Education Foundation dinner.

**17E.** Mayor Scotto congratulated the West Torrance U-14 girls AYSO soccer team for winning a tournament in Covina the past weekend.

**18. EXECUTIVE SESSION**

None.

**19. ADJOURNMENT**

At 9:54 p.m., the meeting was adjourned to Tuesday, April 3, 2012 at 7:00 p.m. to conduct regular business in the Council Chamber.

The Finance and Governmental Operations Committee will meet at 5:30 p.m. in the Council Chamber to discuss the 2011-2012 mid-year budget.

Attest:

/s/ Frank Scotto

Mayor of the City of Torrance

/s/ Sue Herbers

Sue Herbers, CMC  
City Clerk of the City of Torrance

Approved on May 8, 2012